

UNI UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYMBIDIUM RESTORATION TRUST,

Plaintiff,

v.

AMERICAN HOMEOWNER  
PRESERVATION TRUST SERIES AHP  
SERVICING, et al.,

Defendants.

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AMERICAN HOMEOWNER  
PRESERVATION TRUST SERIES AHP  
SERVICING, et al.,

Counter-Plaintiffs,

v.

CYMBIDIUM RESTORATION TRUST,

Counter-Defendant.

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VAK CAPITAL TRUST I,

Intervenor-Defendant/  
Counterclaim and  
Crossclaim Plaintiff,

CASE NO. C24-0025-KKE

ORDER ON DISCOVERY DISPUTE

v.

CYMBIDIUM RESTORATION TRUST,

Counter-Defendant,  
and

AHP CAPITAL MANAGEMENT, LLC, et  
al.,

Cross-Defendant.

The Court held a conference on a discovery dispute (Dkt. No. 123) and now enters this order memorializing the oral ruling.

“[T]he scope of discovery allowed under a [Federal Rule of Civil Procedure] 45 subpoena is the same as the scope of discovery permitted under Rule 26(b).” *In re Subpoena to Apple Inc.*, No. 5:14-cv-80139-LHK-PSG, 2014 WL 2798863, at \*2 & n.16 (N.D. Cal. June 19, 2014) (quoting *Edwards v. Calif. Dairies, Inc.*, No. 1:14-mc-00007-SAB, 2014 WL 2465934, at \*1 (E.D. Cal. Jun. 2, 2024)). However, Rule 45 specifies expressly that “[a] party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.” Fed. R. Civ. P. 45 (d)(1).

As discussed at the conference, the Court ORDERS the entities associated with this dispute (non-party SN Trading, LLC; the AHP Defendants; and Intervenor Defendant VAK Capital Trust I) to continue meeting and conferring in order to tailor Defendants’ and Intervenor Defendant’s requests for SN Trading’s production of relevant documents not in the possession of parties to this lawsuit. These entities should continue to meet and confer to the point of impasse, and if that point is reached, SN Trading may file a motion for a protective order, no later than March 14, 2025.

1 The clerk is directed to TERMINATE the motion to compel (Dkt. No. 86) to reflect the  
2 ongoing meet-and-confer process.

3 Dated this 26th day of February, 2025.

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6 Kymberly K. Evanson  
7 United States District Judge  
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